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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/606,266

06/25/2003

Mitsutaka Hanyu

GKS 394

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23474

7590

05/20/2005

FLYNN THIEL BOUTELL & TANIS, P.C.

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EXAMINER

NGUYEN, KIMBERLY D

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EL

<b>Office Action Summary</b>	<b>Application No.</b> 10/606,266	<b>Applicant(s)</b> HANYU ET AL.	
	<b>Examiner</b> Kimberly D. Nguyen	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.  
2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-16 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/30/04, 11/14/03</u> . | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Amendment*

1. Acknowledgement is made of Preliminary Amendment filed November 14, 2003.

### *Specification*

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

*Claim Objections*

3. Claims 1-16 are objected to because of the following informalities:

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example, on the last line of claim 1 that "...are different each other" should be substituted with "...are different from each other" or the phrase in claim 2 that "...at least one of surface materials of the price indication region and the advertisement region comprising a different colored ink for printing from a color of other regions" is not clear, etc. For the purpose of examination, the examiner explains her best understanding of claims as set forth (below) in the instant Office action.

Re claim 8, line 2: "the folded line" lacks of antecedent basis and should be substitute with "a folded line".

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 6-7, 9-11, 13-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Mehta et al. (US 5,810,397; hereinafter "Mehta").

Re claims 1, 9-10: Mehta teaches a price indication label (10 in figs. 1-2) comprising an attachable label body which has a price indication region (26) capable of indicating a current

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price (e.g., \$14.99 in fig. 2) and an advertisement region (28) capable of advertising information for sales promotion, wherein the surface material of the price indication region (26) and the surface material of the advertisement region (28) are different from each other (col. 2, lines 31-49; col. 7, line 60 through col. 8, line 63).

Re claim 2: Mehta teaches the price indication region (26) has been imaged to provide a back machine readable code (30), wherein the advertisement region (28) has been imaged with a store name in a different color than area (26) (col. 8, lines 12-20), which is at least one of surface materials of the price indication region and the advertisement region having a different color ink for printing.

Re claim 3: Mehta teaches the price indication region (26) having the thermally imagable coating (18), and the advertisement region (28) having thermally imagable coatings (18, 24) (col. 8, lines 1-20), wherein the thermally imagable coatings (18, 24) are a thermo sensitive multi color fixing agent.

Re claim 4: Mehta teaches at least part of a surface material of the advertisement region (28) comprising a see through material capable for reading printed information on a surface being attached the label (i.e., "Bremerton's Fashion" and/or "On Sale" in the region 28 in fig. 2).

Re claims 6, 11 and 14: Mehta teaches a back surface (second surface 16 in fig. 4A) corresponding to the price indication region having a layer of adhesive material (42 in fig. 4A) (col. 9, lines 6-13; col. 3, lines 41-48).

Re claims 7, 13 and 16: Mehta teaches the label (10), which is typically made of paper or synthetic film substrate (col. 5, lines 26-34), which the label (10) is, inherently flexible/bendable,

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capable for being folded toward to the back surface (16) of the label to glue the folded part to the back surface so as to free from being attached.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehta in view of Watanabe et al. (Japanese Publication number 2001-154584 cited by Applicants; hereinafter "Watanabe"). The teachings of Mehta have been discussed above.

Mehta fails to specifically teach or fairly suggest a cancel indication mark for denying the printed information through the material being attached the label.

Watanabe teaches a label having the double-lines crossing through item A<sub>5</sub> in figs. 5-6, which serves as a cancel indication mark for denying the printed information through the material being attached the label.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the double-lines crossing through item as the cancel indication mark as taught by Watanabe to the teachings of Mehta in order to allow the printed information to be adjusted/strike-through to further provide the user the history of the information printed on the label.

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8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mehta in view of Sugita (JP407160200). The teachings of Mehta have been discussed above.

Mehta teaches a fold line, which is the line between the surfaces (26 and 28 in fig. 2) by folded toward the back surface.

Mehta fails to specifically teach or fairly suggest the fold line having perforations.

Sugita teaches a price tag (figs. 1 and 7) having a cutting-line (6), which has perforations.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the well-known cutting-line with perforations as taught by Sugita to the teachings of Mehta in order to ease the separation/folding between regions of the label.

### *Conclusion*

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Kimberly R. Gage", with a long horizontal flourish extending to the right.

KDN  
May 5, 2005